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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,110	03/29/2004	John W. Carter	GEN10 P-452	1535
28469	7590	11/07/2005	EXAMINER	
PRICE, HENEVELD, COOPER, DEWITT, & LITTON, LLP/GENTEX CORPORATION 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			AMARI, ALESSANDRO V	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/812,110	<b>Applicant(s)</b> CARTER ET AL.	
	<b>Examiner</b> Alessandro V. Amari	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-96 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-63, drawn to a method of making an interior rearview mirror assembly, classified in class 359, subclass 900.
  - II. Claims 64-96, drawn to an interior rearview mirror assembly, classified in class 359, subclass 879.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the interior rearview mirror assembly can be made by injection molding.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

**If the Applicant elects Group I**, then a further restriction to one of the following inventions is required:

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- a. Claims 2-4, 22-24, 61-63, drawn to a method of making an interior rearview mirror assembly with thickness specifics, classified in class 359, subclass 879+.
- b. Claims 5, 25, 42, drawn to a method of making an interior rearview mirror assembly with plate frame specifics, classified in class 359, subclass 879+.
- c. Claims 6, 26, 60 drawn to a method of making an interior rearview mirror assembly with pivot ball specifics, classified in class 359, subclass 879+.
- d. Claims 7, 8, 27, 28, 45, 46, drawn to a method of making an interior rearview mirror assembly with cover specifics, classified in class 359, subclass 879+.
- e. Claims 9, 10, 29, 30, 43, 44, 47, 48, drawn to a method of making an interior rearview mirror assembly with integral pivot ball and plate frame specifics, classified in class 359, subclass 879+.
- f. Claims 11, 12, 31, 32, 49, 50, drawn to a method of making an interior rearview mirror assembly with integral pivot ball, stem, plate frame specifics, classified in class 359, subclass 879+.
- g. Claims 13, 14, 33, 34, 52, 53, drawn to a method of making an interior rearview mirror assembly with bezel specifics, classified in class 359, subclass 879+.

- h. Claims 15, 16, 35, 36, drawn to a method of making an interior rearview mirror assembly with integral pivot ball and mount specifics, classified in class 359, subclass 879+.
- i. Claims 17, 37, 56, drawn to a method of making an interior rearview mirror assembly with circuit board specifics, classified in class 359, subclass 879+.
- j. Claims 19, 20, 39, 40, drawn to a method of making an interior rearview mirror assembly with sleeve specifics, classified in class 359, subclass 879+.
- k. Claims 54, 55, drawn to a method of making an interior rearview mirror assembly with integral pivot ball, mount and cover specifics, classified in class 359, subclass 879+.
- l. Claims 58, 59, drawn to a method of making an interior rearview mirror assembly with 1<sup>st</sup> and 2<sup>nd</sup> pivot ball specifics, classified in class 359, subclass 879+.
- m. Claims 18, 38, 57, drawn to a method of making an interior rearview mirror assembly with spacing of pivot ball and plate frame specifics, classified in class 359, subclass 879+.

Note: Claims 21 and 51 are not considered to be patentably distinct from any of the inventions a-m and will be examined with an elected Invention of Group I.

4. Inventions a-m are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, claims 2-4, 22-24 and 61-63 evidence that the combination does not rely on the details of inventions b-m for patentability; claims 5, 25 and 42 evidence that the combination does not rely on the details of inventions a and c-m for patentability; claims 6, 26 and 60 evidence that the combination does not rely on the details of inventions a, b and d-m for patentability; claims 7, 8, 27, 28, 45, 46 evidence that the combination does not rely on the details of inventions a-c and e-m for patentability; claims 9, 10, 29, 30, 43, 44, 47, 48 evidence that the combination does not rely on the details of inventions a-d and f-m for patentability; claims 11, 12, 31, 32, 49, 50 evidence that the combination does not rely on the details of inventions a-e and g-m for patentability; claims 13, 14, 33, 34, 52, 53 evidence that the combination does not rely on the details of inventions a-f and h-m for patentability; claims 15, 16, 35, 36 evidence that the combination does not rely on the details of inventions a-g and i-m for patentability; claims 17, 37, 56 evidence that the combination does not rely on the details of inventions l-h and l-m for patentability; claims 19, 20, 39, 40 evidence that the combination does not rely on the details of inventions a-k and m for patentability; claims 54, 55 evidence that the combination does not rely on the details of inventions a-j and l-m for patentability; claims 58, 59 evidence that the combination does not rely on the details of inventions a-k and m for patentability; claims 18, 38, 57 evidence that the combination does not rely on the details of inventions a-l for patentability. See MPEP § 806.05(d).

5. Claims 1 and 41 link(s) inventions a-m of Group I. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 1 and 41. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

**If the Applicant elects Group II**, then a further restriction to one of the following inventions is required:

- a. Claims 65, 84, 85, drawn to an interior rearview mirror assembly with plate frame and pivot ball specifics, classified in class 359, subclass 879+.
- b. Claim 66, drawn to an interior rearview mirror assembly with pivot ball specifics, classified in class 359, subclass 879+.
- c. Claims 67, 68, 90, 91 drawn to an interior rearview mirror assembly with mount and pivot ball specifics, classified in class 359, subclass 879+.

- d. Claims 69-73, drawn to an interior rearview mirror assembly with cover specifics, classified in class 359, subclass 879+.
  - e. Claims 75, 76, drawn to an interior rearview mirror assembly with stem and pivot ball specifics, classified in class 359, subclass 879+.
  - f. Claim 77, drawn to an interior rearview mirror assembly with stem specifics, classified in class 359, subclass 879+.
  - g. Claims 79, drawn to an interior rearview mirror assembly with pivot ball, plate frame and mount specifics, classified in class 359, subclass 879+.
  - h. Claims 80, 81, 82 drawn to an interior rearview mirror assembly with plate frame and cover specifics, classified in class 359, subclass 879+.
  - i. Claim 83, drawn to an interior rearview mirror assembly with mount and plate frame specifics, classified in class 359, subclass 879+.
  - j. Claim 86, 87 drawn to an interior rearview mirror assembly with pivot ball, stem and plate frame specifics, classified in class 359, subclass 879+.
  - k. Claims 88, 89, drawn to an interior rearview mirror assembly with bezel specifics, classified in class 359, subclass 879+.
  - l. Claim 92, drawn an interior rearview mirror assembly with spacing of pivot ball and plate frame specifics, classified in class 359, subclass 879+.
  - m. Claims 93-95, drawn to an interior rearview mirror assembly with first and second pivot ball specifics, classified in class 359, subclass 879+.
6. Inventions a – m are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are



shown to be separately usable. In the instant case, claims 65, 84, 85 evidence that the combination does not rely on the details of inventions b-m for patentability; claim 66 evidence that the combination does not rely on the details of inventions a and c-m for patentability; claims 67, 68, 90, 91 evidence that the combination does not rely on the details of inventions a, b and d-m for patentability; claims 69-73 evidence that the combination does not rely on the details of inventions a-c and e-m for patentability; claims 75, 76 evidence that the combination does not rely on the details of inventions a-d and f-m for patentability; claim 77 evidence that the combination does not rely on the details of inventions a-e and g-m for patentability; claim 79 evidence that the combination does not rely on the details of inventions a-f and h-m for patentability; claims 80, 81, 82 evidence that the combination does not rely on the details of inventions a-g and i-m for patentability; claim 83 evidence that the combination does not rely on the details of inventions a-h and j-m for patentability; claims 86, 87 evidence that the combination does not rely on the details of inventions a-i and k-m for patentability; claims 88, 89 evidence that the combination does not rely on the details of inventions a-j and l-m for patentability; claim 92 evidence that the combination does not rely on the details of inventions a-k and m for patentability; claims 93-95 evidence that the combination does not rely on the details of inventions a-l for patentability. See MPEP § 806.05(d).

7. Claims 64, 74, 78 and 96 link(s) inventions a-m of Group II. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 64, 74, 78 and 96. Upon the allowance of the linking claim(s), the

restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava/vv  
02 November 2005

Alessandro Amari  
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Examiner AU2872